

APPROVED: Meeting No. 08-92

ATTEST: *Sharon A. Gran*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 04-92

February 3, 1992

The Mayor and Council of Rockville, Maryland, convened in Worksession in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on February 3, 1992, at 7:30 p.m.

PRESENT

Councilmember James T. Marrinan (Mayor Pro Tem)

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember David Robbins

ABSENT

Mayor Douglas M. Duncan (Family Illness)

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and Assistant City Attorney Sondra Block.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Councilmember Marrinan was designated as Mayor Pro Tem for the evening's meeting.

Re: Worksession with Human Rights Commission

Chairperson, Carol Hannaford, and Commission Members Maura Bowen, Walter Davis, Robert Dorsey, Joy Stein and Lloyd Welter, discussed the following with the Mayor Pro Tem and Council:

Meeting No. 04-92

2

February 3, 1992

Staff Presentation on the Americans with Disabilities Act (ADA)

Cheryl Lampkin, who has been designated as the staff ADA coordinator, advised the Mayor Pro Tem and Council and the Commission that the City is in compliance with the ADA, as written. She referenced an overview of the Americans with Disabilities Act prepared by Assistant City Attorney Sondra Block and highlighted the following items contained therein:

- o *Undue hardship.* In employment situations, undue hardship is defined as "where an accommodation is unduly costly, substantial, disruptive or would fundamentally alter the nature or operation of the business."

- o *Accessibility.* Some examples of methods of complying with the accessibility requirements include: redesign equipment; reassignment of services or programs to accessible facilities; delivery of services at alternate accessible sites; home visits; alteration of existing facilities or construction of new facilities. Structural changes to existing facilities are not required where other methods are effective in achieving compliance.

- o *Administrative requirements.* The public entity must make available to interested persons information regarding the ADA and implementing regulations.

**Administration Compliance Steps**

Staff has contacted homeowners associations and other organizations to apprise them of how the City is responding to the ADA requirements.

Staff is currently conducting a self-evaluation of City policies and practices which must be completed by January 26, 1993. An architectural firm will be inspecting City facilities for accessibility.

The Human Rights Commission will provide assistance to staff in the formation of a

Meeting No. 04-92

3

February 3, 1992

Disability Access Advisory Committee to assist in the evaluation of facilities. Walt Davis will be the Commission representative on the Committee, and the Commission will make recommendations for other appointments. The Commission will also be creating a subcommittee specifically related to the ADA.

As to liability for construction not complying with the ADA, the Assistant City Attorney advised that the City has no obligation to ensure that construction complies with the ADA. There is, however, a process whereby the building code could be certified as complying with the ADA.

With respect to the requirement that the City adopt and publish a grievance procedure for prompt and equitable resolution of complaints, staff is establishing a decisionmaking process.

Councilmember Coyle asked what would be the immediate impact on the City and was advised that there is no monetary expense except for TDD.

Insofar as recreation services are concerned, Councilmember Robbins asked what the implications would be in terms of kinds of activities offered as well as transportation services. The Assistant City Attorney advised that the ADA would apply to recreation programs but only to the extent that services are offered to the non-disabled. For example, if transportation were not provided to programs for others, then there is no requirement that it be offered for the disabled. The requirement is to make programs equally accessible for disabled and non-disabled. Determinations would probably be made on a case-by-case basis.

As to requirements for City contractors, the Assistant City Attorney advised that there is no requirement that contractors comply with the ADA; however, contractors may not be used as a means for the City to circumvent the ADA.

Meeting No. 04-92

4

February 3, 1992

Mr. Davis noted that there are a number of cost-effective improvements that the City could make such as installing a loop in the Council Chamber so that hearing impaired individuals can follow the Mayor and Council proceedings. Ms. Lampkin noted that this is being included in the transition plan.

#### **Possible Impacts to the Human Rights Office**

Michael Mitchell, Human Rights Officer, advised that the EEOC projects an increase of approximately 20-25% in their caseload as a result of the new law. The City currently has nine cases on the docket concerning discrimination based on disability, and staff feels that they have sufficient resources to handle any new cases emanating from the Americans with Disabilities Act.

#### **Calling on America Campaign**

Ms. Hannaford stated that the purpose of the campaign is to involve local communities across the nation in a drive to expand the participation, acceptance and contribution of people with disabilities in the life of the community. She has been designated as the local contact person for the campaign and outlined the efforts of the workplan committee. The success of the campaign can be gauged by its ability to provide for the fuller participation of people with disabilities in the mainstream of life in Rockville. A general meeting of interested participants in the Calling on America campaign is scheduled for March, at which time the campaign's objectives will be finalized and ratified. Ms. Hannaford presented the draft objectives of Rockville's "Calling on America" campaign as follows:

1. Develop a referral service of disability agencies and organizations.
2. Assemble a service club which will be the body of community volunteers willing to assist persons with disabilities.
3. Assure that City buildings and services provide for full inclusion of persons with

Meeting No. 04-92

5

February 3, 1992

disabilities.

4. Educate the non-public in an attempt to foster positive attitudes in the non-disabled community toward people with disabilities.
5. Develop a means by which the City recognizes organizations, companies and individuals working with or for people with disabilities.
6. Provide financial compensation and/or transportation for unemployed persons with disabilities who volunteer their services for community projects.
7. Publicize successful efforts at creating an accessible environment.
8. Publicize the existence of emergency services to people with disabilities.
9. Use the local media to disseminate information to and about people with disabilities; use Rockville's newspapers and cable channel to disseminate information.

Ms. Hannaford referenced a recent Washington Post article which reported that Governor Schaefer is foregoing funds for the mentally ill. She asked if the City would be affected by this action or other State funding cutbacks. The City Manager responded that the City is taking a "wait and see" approach.

The final question concerned the appropriation process for funding for hearings such as the recent age discrimination complaint heard by the Commission. The City Manager responded that a reasonable projection should be made for these costs and funds will be budgeted in Community Services' account. He further indicated that the City has an obligation to provide sufficient resources for this purpose.

Re: Worksession on Integrated  
Traffic Management  
Program for the West End  
Neighborhood

Meeting No. 04-92

6

February 3, 1992

In attendance: Nina Weisbroth, Chairperson, and Planning Commission Members Gloria Atlas, Charles Haughey and David Melnick; Alan Levine, Chairperson, and Traffic and Transportation Commission Members Dennis Cain, Louis Fuerst, Stanley Klein, William Meyer and Richard Resnick; Glennon Harrison, Chairperson, and West End Traffic Management Advisory Group members Mary Abert, Joseph Batz, Walt Davis, Bridget Donnell-Newton, Garry Elliott, Charles Schade and Paul Williams.

The City Manager noted that the purpose of the worksession is to review and act upon the recommendations contained in the Integrated Traffic Management Program for the West End Neighborhood. A four-page summary has been distributed which highlights the recommendations.

Mr. Harrison commented that the program is the product of a lengthy, ten-month development process. Thirty two residents were appointed by the Mayor and Council in response to an advertisement in Rockville Reports, and everyone who applied was appointed, including individuals who reside outside of the West End. An initial draft was circulated and this plan represents a consensus.

With respect to truck traffic in the West End, Mr. Harrison advised that the group identified the problem and proposed a realistic program with timelines. He disagrees with the staff report regarding Truck and Arterial Traffic, noting that he prefers a proactive approach.

Finally, Mr. Harrison suggested that the implementation process of this plan begin as soon as possible.

A number of residents of Nelson Street were in attendance and voiced strong opposition to the recommendation in the plan to ban left turns from W. Montgomery Avenue onto Mannakee Street from 7:00 a.m. to 9:30 a.m. The Nelson Street residents indicated that this would divert all

Meeting No. 04-92

7

February 3, 1992

Montgomery College traffic onto Nelson Street which is already heavily traveled during rush hour. Staff reported that both Nelson Street and Mannakee Street are primary residential streets.

Residents of Nelson Street were assured that they would have an opportunity to address their concerns as part of the consensus process, as set forth in the Neighborhood Traffic Management Guidelines. The Traffic Engineer outlined the consensus process as follows:

- o A small representative working group would be formed to review the recommendations and modify as necessary, possibly after receiving input from other groups, in this case, the citizens on Nelson Street.

- o The affected (consensus) area would be defined.

- o A ballot would be developed setting forth different alternatives for resolving the traffic problem.

- o The ballot would be sent to all homes within the "affected" area.

The ballot is advisory in nature as the City Manager is the approving authority for all traffic control measures. The City Manager noted that the Mayor and Council would be consulted prior to final approval of the traffic order.

Gloria Atlas expressed concern that there were no Nelson Street representatives on the advisory group.

It was pointed out by one resident that the map on page 18 incorrectly depicts an existing sidewalk from 618 Nelson Street to the park.

Insofar as the Traffic Diversion Program is concerned, Councilmember Robbins questioned the time frame for the consensus process. He was advised that 45-60 days is the typical amount of time required.

Meeting No. 04-92

8

February 3, 1992

The President of the West End Citizens Association requested that the process be delayed until after the Association's meeting scheduled for February 25 at 7:30 p.m. in the Red Brick Courthouse.

With respect to the recommendations to implement eastbound controls, one suggestion was to indicate Monday through Friday on the signage, and it was also noted that there would be an exception for school buses.

Discussion followed regarding the consensus process, the inclusion of the provost of Montgomery College in the consensus group and reduction of traffic on Nelson Street. Paul Williams, who chaired the Traffic Diversion subcommittee, indicated that an analysis of the traffic count was done, and the predominant problem was east-west channeling. The committee considered a number of alternatives and chose one that caused the least disruption.

Nina Weisbroth, Chairperson, Planning Commission, summarized their comments on the Traffic Management Report. While the Commission feels that the recommendations in the report are generally in keeping with City policies of protecting residential neighborhoods and providing sidewalks and bikeways in the City, it does have concerns with respect to the section on truck and arterial traffic. It was noted that solutions to problems in the West End should be evaluated for their impact on the transportation structure for the City as a whole. Given the location of state-owned interchanges to Town Center, the Commission sees difficulty in diverting all truck traffic from all arterials in the West End although with the residential nature of the arterials, some shifting of the burden of truck routes should be evaluated. The Commission encourages more consideration be given to the truck and arterial traffic portion of the report.



Meeting No. 04-92

9

February 3, 1992

Councilmembers expressed concern with the issues raised and felt that additional information such as the number of cars and peak flows on Nelson Street is needed.

Mr. Harrison responded that the report has several different parts and the Council should direct the City Manager to instruct the consensus group to find a solution to the Nelson Street traffic problem.

Residents of Nelson Street again reiterated their feelings that they were not criticizing the report as a whole, only the recommended restriction of left-turns onto Mannakee. They indicated they are comfortable with proceeding with the consensus process.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the recommended action plan for the Traffic Diversion Program was approved.

#### Pedestrian and Bicycle Ways

The City Manager advised that the sidewalks are a CIP program which is another form of consensus building, a program in which the Planning Commission has input.

Discussion followed regarding the new sidewalks proposed for Maryland Avenue and Beall Avenue. Mr. Levine, Chairperson, Traffic and Transportation Commission, raised the question of City policy with respect to special assessments for sidewalks. The City Manager advised that there has been intensive staff study, culminating in the recommendation to handle each project on a case-by-case basis. Mr. Harrison noted that the sidewalks should be publicly funded and referenced the following statement from the West End Plan which was approved by the Planning Commission and adopted by the Mayor and Council: "*The sidewalk system in the West End of Planning Area 4 should be improved by providing new sidewalks and improving those that exist as is made feasible by existing conditions.*"

Meeting No. 04-92

10

February 3, 1992

Councilmember Coyle asked if the group had reviewed the "right turn on red" issue and noted that it should be considered citywide as a pedestrian safety concern.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the recommendations concerning implementation of the pedestrian circulation element in the West End Plan were approved. These recommendations are: program in the CIP, determine priorities, scheduling and funding sources based on individual evaluation of costs, engineering feasibility and localized neighborhood attitudes.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the recommendations for signalized crosswalks at controlled intersections on W. Montgomery Avenue were approved.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the recommendations regarding adoption and implementation of the Bike Plan contained in West End Neighborhood Plan were approved. These recommendations are: complete the Master Plan, including adjustments as needed to City bikeways plan; examine safety/liability implications of designating Class III (on road) bike routes before proceeding with Plan implementation.

#### Truck and Arterial Traffic

With respect to reclaiming jurisdiction of W. Montgomery Avenue from the State (item number one), the recommendation is to evaluate the impact of relocated Maryland Route 28 in concert with the State Highway Administration after completion of W. Montgomery Avenue. The following three recommendations concerning banning truck traffic, developing signage on I-270 and identifying alternate routes for truck and other vehicular traffic are contingent upon the results of number one. Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the recommendation

Meeting No. 04-92

11

February 3, 1992

to wait until completion of W. Montgomery reconstruction was approved and the three contingency items endorsed.

Bridget Donnell-Newton of this subcommittee stated that they had mapped out alternative routes for trucks off of I-270 and through Gude Drive to Route 28. Stan Klein suggested the use of a Business Route 28 and an Alternate 28.

In the interim, the City Manager commented that staff will look at measures for reducing truck traffic on W. Montgomery Avenue and Great Falls Road.

With respect to making changes to Maryland Avenue to control speeding, the City Manager reported that a significant amount of work has been done, including the addition of rest on red. Staff will evaluate new techniques and be attuned to techniques which could be recommended, taking into account cost-effectiveness.

The issue of speeding on Maryland Avenue was raised by residents as well as the need to create an obstacle to slow down traffic. Public education is important in dealing with the Maryland Avenue problem, and the need for more law enforcement was emphasized.

With respect to item 6, consideration of installation of traffic signals for other arterials in West End, including Great Falls Road, W. Montgomery Avenue and Nelson Street, the Councilmembers agreed with staff to take no action at this time but to retain the concept for review at a later time.

Mr. Harrison commented that the City should look at new techniques for traffic control devices.

#### Speeding and Traffic Enforcement

The problem of speeding on Maryland Avenue was again referenced, and Mr. Levine

Meeting No. 04-92

12

February 3, 1992

noted that the Traffic and Transportation Commission had focused a great deal of attention on this issue. Concern was expressed with respect to some of the suggestions for deterring or decreasing speeding such as "turning in your neighbors." Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the recommendations to initiate actions within limits of available resources were approved as follows: initiate campaign to report traffic violations; lobby the General Assembly for programs to aid driver safety and enforcement; employ part-time help to enforce parking and pedestrian regulations in downtown; develop public relations techniques to improve traffic law enforcement; conduct a citywide poll on attitudes about traffic law enforcement and safety.

Mayor Pro Tem Marrinan thanked the West End Traffic Management Advisory Group for their efforts.

Re: Adjournment

There being no further business to come before the Mayor Pro Tem and Council, the meeting was adjourned at 11:02 p.m., to convene again in Worksession at 9:00 a.m. on February 8, 1992, or at the call of the Mayor.